

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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Order Instituting Rulemaking Regarding Policies,
Procedures and Rules for the California Solar
Initiative, the Self-Generation Incentive Program
and Other Distributed Generation Issues.

Rulemaking 12-11-005
(Filed November 8, 2012)

**REPLY COMMENTS OF POWERTREE SERVICES, INC.
ON PROPOSED DECISION REVISING THE SELF-GENERATION INCENTIVE
PROGRAM PURSUANT TO SENATE BILL 861, ASSEMBLY BILL 1478,
AND IMPLEMENTING OTHER CHANGES**

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June 13, 2016

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Powertree Services, Inc. (“Powertree”) hereby submits these reply comments pursuant to the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”) regarding the Proposed *Decision Revising the Self-Generation Incentive Program Pursuant to Senate Bill 861, Assembly bill 1478, and Implementing Other Changes*, issued on May 16, 2016 (“Proposed Decision”).

I. INTRODUCTION.

Powertree again thanks the Commission for its fair and thoughtful consideration and proposed approval of its Petition for Modification (“Petition”) on its merits, and very greatly appreciates the Proposed Decision’s recognition of Powertree’s trail blazing perseverance. Powertree also appreciates the Opening Comments on the Proposed Decision filed by the California Solar Energy Industries Association suggesting that Self-Generation Incentive Program (“SGIP”) project schedule deadlines be harmonized the way they are in the California Solar Initiative to allow filing for SGIP claims upon completed applications for interconnection. In these reply comments, Powertree refutes Opening Comments filed by PG&E that forcefully

demonstrate the prudence of anticipating that Powertree's submittal of final incentive claim forms may be delayed by PG&E beyond the end of 2016.¹

II. PG&E PRESENTS NO CREDIBLE EVIDENCE OR SERIOUS ARGUMENT FOR ALTERING THE PROPOSED DECISION'S APPROVAL OF POWERTREE'S PETITION FOR MODIFICATION.

PG&E's unsupported assertion in its Opening Comments that Powertree has exaggerated the complexity of its projects is belied completely by the Declaration of Stacey Reineccius, sworn under penalty of perjury, that accompanied Powertree's Petition and is capsulized in the Proposed Decision.² The un rebutted Declaration and PG&E's course of conduct since it was filed with the Commission show a consistent pattern of delay by all of PG&E's internal groups, and presumably management, not just its interconnection group. PG&E's inaccurate self-serving description of the expensive and time consuming actions it has forced on Powertree is diametrically opposed to interconnection decisions it has taken favoring advancement of its own projects such as the PG&E-owned Yerba Buena Storage Pilot Project.³

III. CONTRARY TO PG&E'S UNSUPPORTED FALSE ASSERTIONS, POWERTREE HAS NEVER VOLUNTARILY WITHDRAWN ANY INTERCONNECTION REQUESTS, EXCEPT WHEN PROPERTY HOSTS HAVE ABANDONED PROJECTS DUE TO EXTENDED DELAYS.

The Commission should reject PG&E's attempt to blame Powertree for PG&E's frustration of Powertree's purpose in interconnecting its projects.⁴ The colloquial expression

¹ It is noteworthy that neither the other SGIP Program Administrators, nor any other party, filed Opening Comments supporting PG&E's dogged opposition to granting the Petition.

² "Powertree notes that given the complexity of its projects, there have been numerous delays due to attempts to resolve disputes [with PG&E] concerning metering configurations and the extent of service upgrades needed to provide power to the premises safely and reliably." (Proposed Decision, p. 49).

³ See, description of the Yerba Buena project interconnection process : Yerba Buena Energy Storage Pilot Project and Supply Side Pilot, CAISO/CPUC Multiple-Use Applications Workshop May 3, 2016, <http://www.cpuc.ca.gov/general.aspx?id=3462>

⁴ Property hosts for ten of Powertree's original 68 project sites have abandoned the SGIP due to extended delays in project completion.

“my way or the highway” perfectly captures PG&E’s practice of “deemed withdrawal” of interconnection applications because Powertree has been compelled to justifiably resist arbitrary, often illegal, and artificially expensive requirements imposed by PG&E.⁵

IV. THE COMMISSION SHOULD EITHER ORDER PG&E TO APPROVE AND COMPLETE POWERTREE’S INTERCONNECTION REQUESTS BEFORE THE END OF 2016, OR DELEGATE AUTHORITY TO THE ASSIGNED COMMISSIONER TO EXTEND THE PROPOSED COMPLETION DEADLINE FOR GOOD CAUSE SHOWN.

PG&E has repeatedly refused in recent weeks to communicate with Powertree’s proposed proactive effort to help the Commission’s Energy Division develop a monthly reporting template that must be in place by July, 2016 to comply with the schedule set forth in the Proposed Decision.⁶ In fact, PG&E knows today that only a good faith diligent effort on its part to comply with mandatory reviews and approval deadlines required by applicable tariffs can give Powertree a ghost of a chance to accomplish what needs to be done before the end of 2016.

PG&E’s task performance timeframes in its best case projection amount to 415 days allowable per project while Powertree’s are 49 days per project. In other words, Powertree’s projects could be completed in 49 days, but PG&E can take up to additional 415 days. It is

⁵ Declaration: “36. In May 2015, after initial data from the sizing procedures provided by PG&E returned from the sizing and logging procedures it became apparent there were significant discrepancies in the estimation assumptions PG&E was using. These were leading to requirements for upgrade costs ranging from \$35,000 to \$120,000 per site vs the data logging results showing that upgrades and fees of no more than \$6,000 per site should be required. Accepting the proposed costs would have added approximately. \$2.5 million in unplanned costs and added as much as 13 months to the project timelines when data showed they were not necessary.” (p. 12).

⁶ Ordering Paragraph 13. “PG&E shall submit monthly progress reports on the status of the Powertree projects to Energy Division and the assigned Commissioner of Rulemaking 12-11-005 or any successor proceeding. PG&E shall consult with Energy Division regarding the contents of the progress reports. The first report shall be *due July 1, 2016* with subsequent reports due on the first each month or the first business day thereafter.” [Emphasis added]. (Proposed Decision, p. 74). PG&E has flatly refused to discuss any proactive effort to assist with the intent of the Proposed Decision to consult with the Energy Division to determine the content of the monthly reports that will be required: “The reporting can be addressed once the Commission rules on the matter” (Email message from Kenneth Chabot, in PG&E’s interconnection group, to Powertree’s President, Stacey Reineccius, dated June 5, 2016).

unknown whether or not PG&E will allocate sufficient resources to approve and complete interconnection of all of Powertree's projects within a reasonable time. The chart attached as Appendix A shows a best estimate schedule for completion of Powertree's projects based on PG&E's past and current practice regarding Powertree's projects.

The Proposed Decision should be revised as described in Powertree's Opening Comments because PG&E shows no sign of accepting responsibility for its arbitrary, often illegal, and discriminatory treatment of Powertree's projects. Powertree finds itself at a loss to explain PG&E's anticompetitive behavior in relation to Powertree generally and its opposition to the monthly reporting required by the Proposed Decision in particular, other than by the unfair monopoly advantage enjoyed by PG&E.⁷

V. CONCLUSION.

Powertree thanks the Commission for the opportunity to submit these reply comments on the Proposed Decision.

Respectfully submitted,



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⁷ The fact should not be lost on the Commission that on February 9, 2015, PG&E filed Application.15-02-009 requesting the Commission's to approval of a plan to directly compete with Powertree and other potential market entrants for energy vehicle charging service customers in San Francisco. PG&E was required to radically scale back its proposed program because the Commission observed *inter alia* "We will not consider the EV Program as proposed by PG&E because it does not allow for adequate review and evaluation to determine whether . . . potential anticompetitive impacts are adequately prevented and/or mitigated." *Joint Assigned Commissioner and Administrative Law Judge's Scoping Memo and Ruling*, filed September 4, 2015, p. 4.

APPENDIX A

The following timeline describes the current interconnection steps and time periods provided by PG&E for Powertree's projects based on Powertree projects completed to date. The alternate timeline for steps within Powertree's control amount to 49 days of the lead times for each project, well within the Commission's time frame, but that the total of time periods that PG&E controls are 415 Days and could easily extend at the Utility's sole option.

[illegible]